

APR 29 2010

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IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

TASHA SMALLWOOD, for  
KEVIN SMALLWOOD, deceased

Plaintiff,

v.

MICHAEL J. ASTRUE,  
Commissioner of Social Security,

Defendant.

Civil Action No. 7:09cv00090

**FINAL ORDER ADOPTING REPORT  
AND RECOMMENDATION**

By: Judge James C. Turk

Senior United States District Judge

Plaintiff Tasha Smallwood, for Kevin Smallwood, deceased, brought this action for review of Defendant Michael J. Astrue's (the "Commissioner") final decision denying her claims for disability insurance benefits and supplemental security income under the Social Security Act. The Court referred the matter to United States Magistrate Judge Michael F. Urbanski for a Report and Recommendation (Dkt. No. 11), pursuant to 28 U.S.C. § 636(b)(1)(B). The Magistrate Judge subsequently filed such a report (Dkt. No. 20) finding that the Commissioner's decision was supported by substantial evidence and recommending that it be affirmed. The Plaintiff objected (Dkt. No. 21) to the Magistrate's Report and Recommendation.

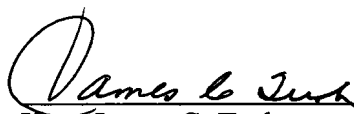
In accordance with the accompanying Memorandum Opinion, and for the reasons set forth therein, it is hereby

**ORDERED AND ADJUDGED**

that Smallwood's objections are **OVERRULED**, the Magistrate Judge's Report and Recommendation is **ADOPTED IN ITS ENTIRETY**, Defendant's Motion to for Summary Judgment (Dkt. No. 16) is **GRANTED**, and Plaintiff's Motion for Summary Judgment (Dkt. No. 13) is **DENIED**. The Clerk of Court is directed to strike the case from the active docket of the

court and to send a certified copy of this Final Order, as well as the accompanying Memorandum Opinion, to counsel of record for the parties.

ENTER: This 29<sup>th</sup> day of April, 2010.

  
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Hon. James C. Turk  
Senior United States District Judge